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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Second periodic reports of States parties due in 1997

GRENADA*

[26 May 2008]

-
- Annexes can be consulted in the files of the Secretariat.

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Summary

Grenada's second periodic report to the United Nations Committee on the Rights of the Child addresses the State party's initiatives and achievements in promoting and protecting the rights of children in the period 2000 – 2007. The report reviewed these efforts in the context of the concluding observations made by the Committee on the Rights of the Child during consideration of Grenada's initial report.

This second periodic report shows that a concerted attempt to implement the recommendations from the Committee on the Rights of the Child was initiated in 2000, but was not sustained. Notwithstanding this, there were a number of significant developments during the period under review. These included:

- *Legislative reform* – Grenada has participated actively in a subregional legal reform process initiated by the Organisation of Eastern Caribbean States (OECS). That reform process, which focused on laws relating to the family and domestic violence, addressed child care and adoption, the status of children born out of wedlock, juvenile justice and domestic violence and in the process addressed a number of the legislative matters raised by the Committee. Draft bills for each of these areas have been developed and are expected to be approved by the Government before the end of 2007.
- *Child abuse* – A Child Abuse Protocol was developed and approved by Cabinet. Some aspects are in force but the mandatory reporting component has not yet been fully implemented, as the Ministry and related agencies do not yet have the capacity to place large numbers of children who are identified as being at risk, especially boys.
- *Standards at Children's Homes* – A Code of Standards for the operation of Children's Homes, including provisions for the licensing of these Homes, was developed with support from the Grenada Bureau of Standards and has been implemented by the Child Welfare Authority.
- *HIV/AIDS* – Significant advances have been made in programming in response to HIV/AIDS. A national HIV/AIDS directorate has been established and a National Strategic Plan for HIV/AIDS was adopted in 2003. A National Policy on HIV/AIDS was adopted on 2 April 2007. One of the objectives of the National Policy on HIV/AIDS is to improve the access of children and youth to accurate HIV information and confidential sexual and reproductive health services, including counselling and testing measures.
- *Administrative coordination* – The administration of matters related to children, women and families was merged in 2003 under a newly formed Ministry of Social Development and this enabled a more organized and coordinated approach to treating with these matters.

Further progress was impeded by a number of challenges, including:

- The impacts of hurricanes Ivan (2004) and Emily (2005) which disrupted all aspects of life in Grenada.
- Insufficient trained personnel especially in the areas of programmes and research skills.
- Coordination challenges between the Ministry of Social Development and other agencies working with families and children.
- Lack of financial resources.
- The need for further legislative reform to supplement the OECS legal reform initiative.

I. OBJECTIVES AND SCOPE

1. This is Grenada's second periodic report on the implementation of the Convention on the Rights of the Child. It addresses the measures adopted by the State party since the review of the initial report by the United Nations Committee on the Rights of the Child in January 2000 and covers the period January 2000 to 30 June 2007.
2. The report details the consideration given by the State party to the concluding observations adopted by the Committee on the Rights of the Child in relation to the initial report and highlights the shortcomings and challenges, the factors and difficulties that affected the degree of fulfilment of the obligations under the Convention.
3. It also updates the measures adopted by the State party to give effect to the rights set forth in the Convention on the Rights of the Child and the progress made in the enjoyment of those rights.

II. GRENADA OVERVIEW

Figure 1 – Grenada map

4. **Location.** Grenada is the most southerly of the Windward Islands and is located at 12.07 N, 61.40 W, 135 km (83.8 miles) north of Trinidad and Tobago. It is a tri-island State consisting of the islands of Grenada, Carriacou and Petit Martinique. The islands are volcanic in origin and have a total land mass of 345 km² (133 miles²) (figure 1).
5. **Political status.** Grenada is a former British colony, having changed hands between the British and French many times during the sixteenth, seventeenth and eighteenth centuries. It gained its political independence from Britain on 7 February 1974 and operates a Westminster-style parliamentary system. It is a member of the Commonwealth.
6. **Population.** Grenada's population is 107,000 (2007 estimate).¹
7. **GDP.** The GDP is EC\$ 1,541 million (2007 estimate²).
8. **GDP per capita.** The GDP per capita is EC\$ 14,385 (2007 estimate³).



¹ IMF World Economic Outlook Database, April 2007.

² Ibid, expressed in current prices.

³ Ibid.

9. **Recent GDP growth.** Real GDP growth in the period since 2000 was mixed and reflected the impact of external shocks on the economy (figure 2 and table 1).

Figure 2
Recent GDP trends⁴

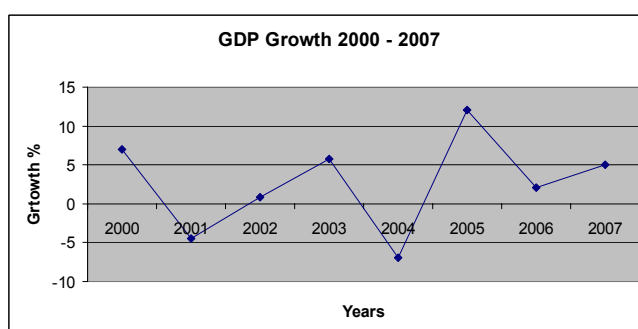


Table 1
Real GDP performance 2000 – 2005⁵

	2001	2002	2003	2004	2005
	(Annual percentage change)				
Real GDP	-4.4	0.8	5.8	-3.0	1.5
Value added in					
Hotels & restaurant	-1.8	5.6	13.9	-13.1	-15.0
Agriculture	-2.9	19.0	-2.4	-7.3	-50.8
Wholesale & retail	-3.2	0.5	7.4	-5.2	9.0
Manufacturing	-7.1	-3.8	-2.5	-14.6	-1.6
Communications	-3.6	-11.4	1.9	7.2	3.5
Banking & Insurance	6.1	6.1	8.0	2.5	-6.0
Construction	-18.9	1.0	26.0	-0.8	41.0

10. The negative growth in 2001 reflected the impact of the 11 September terrorist activity in the United States on the tourism sector, while the negative growth in 2004 reflected the impact of hurricane Ivan which hit Grenada on 7 September 2004. That hurricane destroyed

⁴ Data sourced from IMF World Economic Outlook Database, April 2007. Estimates used for 2006 and 2007.

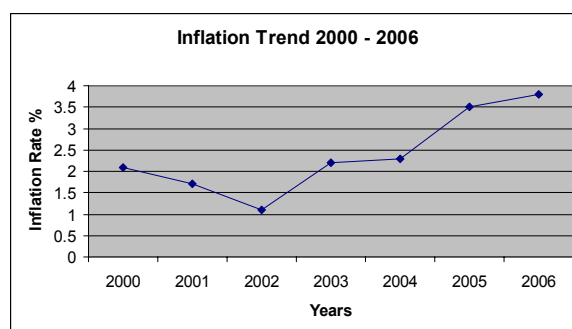
⁵ Ministry of Finance.

or damaged approximately 90 per cent of all buildings on the island and the overall damage was in excess of 200 per cent of GDP.⁶

11. **Main economic sectors/economic driving forces.** Agriculture has traditionally been the mainstay of the Grenadian economy. However, since the latter part of the 1990s, tourism and other services have been replacing agriculture as the dominant economic sectors. All sectors were badly hit by hurricane Ivan and the growth in the immediate post-Ivan period came primarily from the construction sector (table 1). Unemployment, which registered 13 per cent in the pre-Ivan period, increased sharply immediately after hurricane Ivan, as many persons lost their jobs. The efforts to rebuild homes and revitalize the agricultural sector helped many displaced persons find temporary employment. The tourism sector has now rebuilt the facilities that were destroyed by hurricane Ivan and is now on the way to full recovery.
12. **Inflation.** The inflation rate has slowly increased since 2002, reflecting in part the impact of increasing international oil prices on economic activities (figure 3).

Figure 3

Recent inflation trends⁷



13. **Debt sustainability.** Total central Government debt in 2005 was 128.2 per cent of GDP.⁸ Debt servicing obligations peaked in 2004, with interest payments alone being 25 per cent of recurrent revenues.⁹ Debt servicing obligations have been reduced during 2005 and 2006 as the result of a successful debt restructuring exercise with its commercial creditors and the

⁶ OECS Assessment Report.

⁷ IMF World Economic Outlook Database, April 2007.

⁸ Ministry of Finance.

⁹ Ministry of Finance – excluding grants.

Paris Club.¹⁰ The Government has committed to working towards achieving the standard benchmark of a total debt-to-GDP ratio of 60 per cent by year 2015.¹¹

14. **HDI ranking.** The Human Development Index ranking was No. 93 in 2003 and 2004 (medium human development).
15. **Poverty rate.** The percentage of the population living in poverty was 32.1 per cent in 1999.

III. IMPLEMENTATION PROGRESS

16. At the start of the period under review, the responsibility for leading programming related to implementation of the Convention was shared between the Department of Social Services in the Ministry of Housing, Social Services, Culture and Cooperatives, and the Department of Gender and Family Affairs in the Ministry of Tourism, Civil Aviation, Women's Affairs and Social Security. That responsibility, along with all responsibility for social services, gender and family affairs, was reassigned to the Ministry of Social Development when that ministry was established in 2003.
17. The following sections outline the progress to date in the implementation of the Committee's recommendations and utilizes the specific subject headings used by the Committee in the elaboration of its recommendations.¹²

A. Measures taken to harmonize national law and policy with the provisions of the Convention

Committee concerns and recommendations

18. The Committee expressed concern with the fact that legislation in Grenada was yet to fully reflect the principles and provisions of the Convention. The Family Court Act had been rescinded and sufficient efforts had not been made to introduce adequate alternatives to protect and strengthen family relations.
19. Therefore, it was recommended that Grenada undertake legislative review, inter alia, to facilitate the adoption of a comprehensive children's rights code. In such a context, all necessary measures to re-enact the Family Court Act or introduce adequate alternative legal measures to protect and strengthen family relations should be taken. Legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation should also be amended.

Action taken

¹⁰ Budget Speech 2007

¹¹ Budget Speech 2005

¹² Concluding observations of the Committee on the Rights of the Child: Grenada. 28 February 2000. CRC/C/15/Add.121.

20. Grenada is a member of the Organisation of Eastern Caribbean States (OECS) and action on this recommendation has been approached within this subregional framework.
21. In 2003, the Legal Unit of the OECS Secretariat undertook a comprehensive programme geared at reforming the laws relating to the family and domestic violence. To date, four draft bills¹³ have been developed and submitted to the Governments for consideration:
- (a) The Status of Children Bill removes the legal disabilities of children born out of wedlock¹⁴ and provides for the declaration of parentage;¹⁵
 - (b) The Child Care and Adoption Bill provides for the care and protection of children¹⁶ with a particular focus on mandatory reporting, investigation and assessment, record keeping, emergency removal of children, foster care placements and offences for failing to comply with the Act. Moreover, it addresses issues that concern the adoption of children as it establishes an adoption committee, outlines the process before adoption for domestic and intercountry adoption, provides for a register for children who have been adopted and for necessary follow-ups after adoption has taken place;
 - (c) The Juvenile Justice Bill has been aimed mainly at being in accordance with articles 37 and 40 of the Convention. The objectives¹⁷ of the Bill are to establish a criminal justice process for juveniles accused of committing offences, while protecting the rights of juveniles as provided for in international instruments by providing for the minimum age of criminal capacity, incorporating diversion of cases away from formal court procedures, establishing assessment of juveniles, extending sentencing options available in respect of juveniles and entrenching the notion of restorative justice;
 - (d) The Domestic Violence Bill provides for greater protection for all victims of domestic violence and also makes provisions for the granting of protection orders.¹⁸
22. The Government of Grenada has committed to implementing the final recommendations. The draft bills are now being reviewed by the Ministry of Social Development and will be submitted to Cabinet by the end of 2007. They are expected to be piloted during 2008.
23. In addition, the structure of the Ministry of Social Development is being reviewed with a view to strengthening its capacity to address social development issues in general, including the recommendations coming from the OECS Legal Reform process.
24. As regards the Family Court, the current practice is for Thursdays and Fridays to be designated family court days in the Magistrate's Court and the High Court. Within those sessions, matters involving children are addressed with some changes from the setting in a

¹³ OECS Family Law and Domestic Violence Legal and Judicial Reform Project February 2007.

¹⁴ Part III provides for the disposition of property before and after the commencement of the Bill.

¹⁵ Clause 5 submits the presumption that a male person is and shall be recognized in law to be the father of a child.

¹⁶ Chapter II of the Child Care and Adoption Bill.

¹⁷ Juvenile Justice Bill explanatory note: OECS Legal Reform Project 2007.

¹⁸ Domestic Violence Bill explanatory note: OECS Legal Reform Project 2007.

normal courtroom, primarily that the proceedings can be in camera without the public being present. This arrangement however does not provide the full range of supports normally associated with a Family Court including more child -friendly settings and methods and the availability of counselling and social service support and follow-up.

25. The question of the Family Court is being addressed under the OECS Legal Reform process and it is expected that one of the major changes that will follow the completion of this process will be the implementation of a more formal Family Court process.
26. Alternative sentencing mechanisms have also been introduced into the system with mediation and conflict management interventions being used to address appropriate family-related matters.
27. No action has been taken on the adoption of a comprehensive children's code and the Convention does not have the force of law within the State. It is only referenced as an influential document.
28. The major challenges in implementing these recommendations, both at the national and subregional levels, have been the limited availability of human resources to draft legislation and physical resources to implement legislation that has been passed.
29. Additional challenges are anticipated in sourcing the human and financial resources that will be needed to implement the recommendations from the OECS Legal Reform process.

B. Data collection scheme

Committee concerns and recommendations

30. The initial report indicated that Grenada had no data collection mechanism aimed at the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children.
31. It was recommended that Grenada take the necessary steps to establish a central registry for data collection and to introduce a comprehensive system of data collection incorporating all the areas covered by the Convention and covering all children to the age of 18 years.

Action taken

32. There is some data related to children that are collected by individual departments for their own use, but there is no systematic and comprehensive collection of data related to all areas covered by the Convention.
33. The data that are collected and available from individual departments are:
 - *Children living in poverty* – Collected by the Central Statistical Office of the Ministry of Finance through the Poverty Assessment Survey, the CWIQ Survey¹⁹ and the census data

¹⁹ Core Welfare Indicators Survey conducted in 2005.

- *Children in conflict with the law* – Available from the Criminal Records Office
 - *Children of single-parent families* – Available from the Central Statistical Office through the Poverty Assessment Survey, Multi Indicator Cluster Survey and census data
 - *Sexually abused children* – Reported cases are available from the court records
 - *Institutionalized children* – Available from the Child Welfare Authority
 - *Children with disabilities* – The Grenada National Council of the Disabled has initiated activity in this area with a request for such data to be collected during the 2001 Census; this was not successful.
 - *Children living with HIV/AIDS* – Available from the National AIDS Directorate
34. Notwithstanding the data that are currently being collected, there is at present no one entity that aggregates and analyses these data. There is also concern that the agencies that are collecting the data are focusing on the quantitative aspects of the situation without attempting to assess the underlying qualitative factors that influence the quantitative data.
35. The Ministry of Social Development did initiate the development of a database on vulnerable children, mainly from vulnerable families, abused children and institutionalized children. This database has not been updated since 2004, as the main computer system was stolen after the passage of hurricane Ivan and it has not been replaced due to difficulties in accessing financial resources for that purpose.

C. Independent monitoring mechanism

Committee concerns and recommendations

36. The Committee recommended that efforts be made to establish the Office of the Ombudsperson, independent from the affairs of Government, to deal with complaints of violations of the rights of children and to provide remedies for such violations. The Committee also recommended the introduction of an awareness-raising campaign to facilitate the effective use by children of such an Office.

Action taken

37. An Ombudsperson Bill was submitted to the Grenada Cabinet in June 2007. That bill makes provisions for the Ombudsperson to be an independent party with power to investigate the administrative actions taken by or on behalf of the Government and other authorities.²⁰ No officer will be assigned to deal with matters relating to children, including general actions taken by individuals acting in other capacities and actions taken against children. Recommendations have also been made by the Child Welfare Authority for the appointment of a “child advocate” that is separate and apart from the general Ombudsperson. The

²⁰ Draft Ombudsman Act 2007.

Government is giving consideration to a proposal to include a facility for addressing children's complaints within the Office of the Ombudsperson.

38. It must be noted however that, while there is no independent monitoring mechanism in place in Grenada at this time, complaints can be made through any ministry of Government, and through non-governmental organizations, with regard to violations of the rights of children.

D. Allocation of budgetary resources

Committee concerns and recommendations

39. The Committee expressed concerned that not enough of Grenada's annual budgetary resources are allocated in favour of children and it recommended that priority be given in allocating budgetary resources to ensure the implementation of the economic, social and cultural rights of children.

Action taken

40. There is no specific accounting of the costs of services provided for children. The allocation of resources to children's activities can at best be approximated by the allocations to the main ministries and agencies that are involved in the provision of specific services to children, i.e the Ministry of Education, the Community Health Services of the Ministry of Health and the Social Services Division and the Gender and Family Affairs Division of the Ministry of Social Development.
41. The data in table 2 are the actual provisional recurrent expenditures²¹ for the relevant ministries and departments for the period under review. It shows that 20-25 per cent of the annual recurrent expenditures have been spent on these ministries and departments. However, the actual amounts spent on children's services could not be determined.

Table 2

Annual recurrent expenditures on children's services (EC\$ million)

	2000	2001	2002	2003	2004	2005	2006
Sector recurrent expenditure							
- Education	43	45	56	57	62	65	70
- Community health services	5	7	9	9	8	8	8
- Gender and family affairs	0	1	1	1	1	1	1
- Social services	5	6	6	6	6	6	10
Total recurrent	53	59	72	73	77	80	89
Annual changes		0.10	0.23	0.01	0.05	0.04	0.11

²¹ Recurrent expenditures are used as this provides a more accurate indicator of ongoing commitment to provide funding from Government resources. Capital expenditures vary significantly from year to year as they sometimes represent one-off projects and some of them are funded from external sources.

National recurrent expenditure	256	308	325	335	330	342	345²²
Sector expenditure as % national recurrent expenditure	21	19	22	22	23	23	26

Source: Annual Estimates of Revenue and Expenditure 2000 – 2007.

42. Additional programming involving children is also done by the Maternity Sections of the three hospitals, the Division of Sports, the Division of Youth and the Department of Human Resources. However, the related expenditures are not reported in a manner that facilitates separation of these expenditures from the overall expenditures of these divisions and ministries.

E. Dissemination of the Convention

Committee concerns and recommendations

43. The fact that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and its rights-based approach was another of the Committee's concerns.
44. It was therefore recommended that efforts be made to ensure that the Grenadian society is aware of the Convention and its provisions.

Action taken

45. Dissemination of the Convention and the application of its principles have been done primarily by the Grenada National Coalition on the Rights of the Child (GNCRC). Their activities have included use of the mass media, particularly through radio and television programmes and weekly newspaper articles. There have also been presentations to community groups, churches and schools throughout the island. With regard to schools, the Health and Family Life curricula also incorporates information pertaining to the rights of the child.
46. Other NGOs like NCH and GRENSAVE also conduct awareness-raising activities as part of their individual agency programming.

F. Criminal responsibility

Committee concerns and recommendations

47. The Committee expressed concern that the legal age for criminal responsibility was particularly low – 7 years.
48. The Committee therefore recommended that the legal age for criminal responsibility be raised to a more internationally acceptable age.

Action taken

²² Estimate.

49. Section 50 (2) of the Criminal Code of the Revised Laws of Grenada 1958 places the age of criminal responsibility at 7 years. However, in order for anyone between 7 years and 12 years to be committed to prison, a judge must be of the opinion that the individual is of sufficient maturity for such to be done. The draft Juvenile Justice Bill under the OECS Legal Reform Project moves the age of criminal responsibility to 10 years, with children between 10 years and 12 years only to be held criminally responsible for acts if he or she had the capacity to know that he or she ought not to have done the act or made the omission.²³ There are no instances where children at the age of 7 have been held criminally responsible for any criminal acts.

G. Non-discrimination

Committee concerns and recommendations

50. The Committee expressed concern over the situation of boys, particularly as regards their generally “low self-esteem” and academic underachievement in comparison to that of girls, and the fact that the Criminal Code does not provide boys the same legal protection against sexual abuse and exploitation as girls.
51. The Committee recommended that the State party undertake a study on child-rearing practices and how they affect boys and girls. The Committee further recommended that the State party implement programmes to address the self-esteem of boys and address discrimination arising from the socialization of boys and girls into rigid gender roles and the resulting determination of family and social attitudes concerning children based on gender. The Committee also recommended that the State party amend its legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.

Action taken

52. The Ministry of Education through its guidance and counselling programmes is the main medium through which discrimination is discouraged, via the schools. Guidance and counselling sessions in schools are conducted in groups and include both male students and female students. The activities are aimed at involving all students as they do not exclude a particular group and, more importantly, cover a wide area of topics, and assist in the socializing of females and males all at the same time.
53. Non-discrimination issues are also addressed in the Health and Family Life Education programming done by the Ministry of Education, the NEWLO programme and the “Together We Can” programme run by the Grenada Red Cross. The Father Malligan Home for Boys, located in St. Mark’s, also focuses on personal development of boys and has part of its programme addressing the low self-esteem of boys.
54. Work has started in 2007 on the development of a National Gender Policy which will address and incorporate mechanisms by which rigid gender roles are to be eliminated.

²³ Clause 5 (2) of the Juvenile Justice Bill: OECS Legal Reform Project 2007.

55. There have been no amendments to the Criminal Code to offer boys protection against sexual offenders.
56. No study has been done on child -earing practices.

H. Respect for the views of the child

Committee concerns and recommendations

57. The fact that the full implementation of article 12 of the Convention continues to be limited by traditional practices, culture and attitudes that promote the philosophy that “children should be seen and not heard” and that “children are the property of their parents” is a Committee concern.
58. It recommended that Grenada should seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children, and encourage respect for the views of the child within the family, communities, schools, and care, administrative and judicial systems.

Action taken

59. The provisions of the Grenadian Constitution²⁴ adequately provide for the rights of children to participate in decision-making via the Bill of Rights.
60. The National Youth Policy,²⁵ which has been approved by Cabinet, provides for “the full participation of both young men and young women in the political, economic, social and cultural life of the nation”. This is one of the specific goals in the Policy and a number of strategies have been advocated for achieving that goal.
61. The Youth Arm of the Grenada National Coalition on the Rights of the Child was formed with the objective of encouraging more direct representation by children in the work of the GNCRC and the nation by incorporating their issues and perspectives. They have become an integral part of GNCRC activities and participate in many of their advocacy events. A highlight of their involvement in decision-making was their participation in the GNCRC submission to the National Constitutional Review Committee where the final presentation to the Constitutional Review Committee on 16 October 2003 was done by three of their members.
62. The Ministry of Youth also organizes an Annual Youth Parliament, where young persons are provided with an opportunity to debate issues of national, regional and international importance, and formulate recommendations for addressing these issues.
63. Young persons are also active in the Student Councils which have been resuscitated in all secondary schools and a National Student Council Executive was elected in March 2007.

²⁴ Grenadian Constitution Order 1973 Part 1.

²⁵ Applicable to persons between the ages of 16 and 24.

64. As regards participation before the court, the current legal provisions are inadequate to guarantee children's rights in this regard. A Rights of the Child Legislative Review²⁶ conducted in 2002, concluded that "the law has traditionally viewed children as unreliable witnesses, based on perceptions that they are prone to fantasy, that they are suggestible and that their evidence is otherwise inaccurate. Despite some advances structural, procedural and attitudinal deficiencies in the legal system still prevent children from performing effectively as witnesses".²⁷
65. The Evidence Act CAP 92 of the 1990 Laws of Grenada states that people of "tender years" cannot give evidence. Grenada follows the common law position as established in the case of *R v. Christise*, making anyone below the age of 14 subject to what is called a voir dire (a case within a case), to be conducted by the judge, to determine whether or not the child is competent enough to give evidence. Thus, that means that children below the age of 14 must be found to be competent by a judge before evidence can be given by them. Failure to conduct a voir dire before children under 14 give evidence is sufficient ground on which an appeal can be made, and a case dismissed, because only competent individuals are allowed to give evidence.
66. There is a general lack of legal representation for juveniles at both the Magistrate's Court and High Court levels. As a result, the responsibility for representation of children before the courts rests with the Division of Social Services within the Ministry of Social Development.
67. There is a Probation Unit under the Ministry of Social Development that was established in 2007, which has one probation officer for all of the mainland and sister islands. The probation officer investigates cases assigned to it by the judiciary, that is, the Magistrate's Court and the High Court, and is expected to do a pre-sentence report, making recommendations as to the type of sentencing that should be given, and a post-sentence report after observing the convicted person while serving his or her sentence. Those reports are submitted to all parties, that is, the prosecution, defence and judge. If need be, the probation officer can be asked to establish the reasons for having made certain recommendations.
68. Most of the sentencing for juvenile offenders is community service (if the offence is non-violent), which cannot exceed 240 hours and cannot be less than 40 hours. The probation officer is expected to visit their homes, schools and community sites where the sentence is being executed; likewise, the officer is expected to have progress reports of any counselling the juvenile takes part in. Counselling is normally provided for sexual victims. Moreover, when dealing with anger management a group approach is normally taken.
69. In addition, the officer is to ensure that the juvenile adheres to the probation order, and upon any violation must immediately submit a report, whereupon, depending on the crime, the convicted person is resentenced.

²⁶ This review was commissioned by GNCRC and conducted by Malcolm Holdip, a former Director of Public Prosecution in Grenada. The Final Report was submitted in 2002.

²⁷ The Rights of the Child Legislative Review, p. 20.

70. The Probation Unit is to be notified immediately when any person under 18 years has been arrested. The Police Force does not always comply with that rule.
71. Notwithstanding these formal efforts, there has been very little done on increasing general public awareness of the participatory rights of children.

I. Birth registration

Committee concerns and recommendations

72. The fact that some children are still not registered at birth and or given a name until baptism represented a serious concern.
73. It was recommended that measures be taken to ensure that all children are registered and given a name at birth.

Action taken

74. The expressed concern that some children are given a name at baptism, which may occur as much as three or four months after birth, is a cultural tradition that still persists.
75. There were no reliable data available to indicate the number of children who were not registered at birth. The general practice, however, is for births to be registered by medical personnel at hospitals and by midwives, in the rare cases that the latter perform the delivery. However, there are still instances where some births are only first registered on children's entry into pre- or primary school.
76. There have been no initiatives to address this latter issue.

J. Parental responsibility

Committee concerns and recommendations

77. The fact that some of the challenges that children face were as a result of changes in their social and family structures, which led to high numbers of single-parent households and reduced support from extended families, was another issue cited by the Committee. It was also concerned over the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock in "visiting" or "common law" relationships and the financial and psychological impact of these types of relationships on children, and the lack of sufficient support and counselling in the areas of parental guidance and responsibilities.
78. The Committee recommended increased efforts to develop family education and awareness by, inter alia, providing support and training for parents, especially those in "visiting" and "common law" relationships, in parental guidance and joint parental responsibilities. It also recommended that an impact study (both financial and psychological) of "visiting relationships" on children should be undertaken and that Grenada must ensure that the rights of children born of "visiting" and "common law" relationships are protected legally and otherwise.

Action taken

79. The draft Status of Children Bill under the OECS Legal Reform Project makes provisions for maintenance of children of common law and visiting families and the presumption of paternity, granting both parents joint custody of the child.
80. Family education and awareness programmes are run by a number of organizations, including Government ministries, non-governmental organizations and faith-based organizations, but these are done on an ad hoc basis and tend to focus on single issues.
81. GNCRC has in place the Programme for Adolescent Mothers which is managed by GRENSAVE, an NGO member of the Coalition. This programme provides training for teenage mothers, including teaching them parenting skills and child-rearing practices. The Ministry of Youth Affairs also has in place a similar programme for young parents that is being implemented at the community level.
82. The Ministry of Social Development has developed a proposal to commence work on a national parenting programme.
83. There has been no study undertaken to assess the impact of visiting relationships on children.

K. Protection of children deprived of a family environment

Committee concerns and recommendations

84. The fact that the Government had not established and implemented a code of standards for alternative care institutions for children was also an issue, together with the absence of an independent complaint mechanism for children in alternative care institutions.
85. It was recommended that a code of standards should be established to ensure the adequate care and protection of children deprived of a family environment; that additional training, including in children's rights, should be initiated for social and welfare workers; that there should be a periodic review of placements in care institutions; and that an independent complaints mechanism for children in alternative care institutions be established.

Action taken

86. A Code of Standards for the operations of childcare homes has been developed with support from the Grenada Bureau of Standards and its implementation is one of the functions of the Child Welfare Authority (CWA).
87. All childcare homes within Grenada are licensed, and as such, it is easier to keep track of children who have been institutionalized. A quarterly review of children in these institutions is done by CWA, the respective home and, at times, parents. When complaints are made by a resident in a childcare home, the Ministry of Social Services appoints an investigative committee to look into the complaints and take the necessary actions to resolve the problem.
88. There are instances where some of the children in childcare homes are adopted and/or reunited with their families, but, in general, the limited availability of childcare homes places a strain on the number of children that can be provided for by the system. Even when the age of maturity is reached, there are many instances where it is not possible for those individuals

to be relocated and they are forced to remain as residents, which stifles the turning-over process. These difficulties are due to the lack of funding generally available to improve social services on the island.

89. Foster care services are also available through NCH, an independent NGO. This programme was initiated in an effort at bringing order to an informal foster care system that already existed in Grenada. Over the years, this programme has developed more structure and has begun to take a more proactive role in the identification, preparation and placement of foster children.
90. The basic approach taken by NCH is that the foster care placement is a temporary intervention that has as a longer-term objective the reunification of the child with the biological parents. Work is therefore done with both the biological parents and the foster parents, throughout the service intervention.
91. Training programmes for social and welfare workers are now being offered by T.A. Marryshow Community College and St. George's University.
92. The recommendation for an independent complaints mechanism for children in alternative care institutions has not been implemented, but the Ministry of Social Development investigates complaints from residents in childcare homes on a case-by-case basis.

L. Domestic and intercountry adoption

Committee concerns and recommendations

93. The Committee also expressed concern over the lack of monitoring with respect to both domestic and intercountry adoptions; the high number of intercountry adoptions and the apparent gender bias in favour of girls in the adoption process.
94. It recommended that the Government should introduce proper monitoring procedures with respect to both domestic and inter-country adoptions, and undertake a study to assess the situation and determine the impact of intercountry adoptions and why girls are favoured over boys in the adoption process. The possibility of acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption should also be considered.

Action taken

95. There have been no amendments to the Adoption Act of the Revised Laws of Grenada 1990 since the country's last report was submitted. These laws restrict intercountry adoption by non-Grenadians to relatives or Grenadian residents. However, the draft Child Care and Adoption Bill under the OECS Legal Reform Project has made provisions that will allow for adoption by persons who are non-Grenadians. It also provides for the establishment of an Adoption Committee²⁸ to be responsible for the general adoption process. At present, the Ministry of Social Development is responsible for the adoption process.

²⁸ Section 102 (1) Child Care and Adoption Bill, OECS Legal Reform Project February 2007.

96. Domestic adoptions are followed up by the Ministry of Development although there is no clear system in place. Overseas monitoring is particularly weak.
97. It must be noted however that the majority of overseas adoptions are to family members, with the predominant reason being economic: the adopting family members are in a position to provide better opportunities for further education and to remove children who are perceived to be at risk due to weak parental support and supervision.
98. No study has been conducted to determine why girls are preferred over boys generally in the adoption process.
99. Grenada has not signed the Hague Convention, but it must be noted here that the draft Child Care and Adoption Bill under the OECS Legal Reform Project is based on the principles of the Hague Convention and assumes the ratification of the Convention. The Adoption Board also uses the provisions of the Hague Convention as the basis for its operations.

M. Abuse/neglect/maltreatment/violence

Committee concerns and recommendations

100. The Committee noted a lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, in Grenada. They also cited the insufficiency of financial and human resources allocated, as well as the inadequacy of the programmes established, to prevent and combat these abuses and concluded that the efforts being made to protect the right to privacy of child victims of abuse were insufficient.
101. It was therefore recommended that studies be conducted on domestic violence, ill-treatment and sexual abuse of children. All necessary measures should be taken to ensure the proper investigation of cases of violence and abuse of children within a child-friendly judicial procedure. The country must seek to ensure the application of sanctions to perpetrators. They must further ensure the physical and psychological recovery and social reintegration of victims and the prevention of criminalization and stigmatization of victims.

Action taken

102. The Child Protection Act No. 17 of 1998 permits a child who is being harmed or at significant risk of harm to be apprehended and placed in a place of safety. It allows the court to grant different types of orders, including supervision and/or wardship orders, for a period not exceeding 12 months. It also provides for childcare homes and foster homes as alternative placements for children who cannot remain in the family or community. The provisions of the Child Protection Act are deemed the national policy on child protection issues.
103. The Domestic Violence Act No. 15 of 2001 gives jurisdiction to the Magistrate's Court to grant protection orders and occupation orders for the benefit of abuse victims, including children. The protection order, amongst other things, prohibits the respondent from harassing or molesting the applicant in any way, whereas the occupation order gives the applicant the

right to occupy any household residence to the exclusion of the abuser. The court is also able to direct appropriate counselling and take other “special measures” to protect vulnerable witnesses.

104. GNCRC has taken the lead in programming against child abuse and one of the highlights of the period under review has been the development and ratification by Cabinet of a Child Abuse Protocol. This Protocol, which has been adopted by all stakeholders, specifies the respective responsibilities of each stakeholder in responding to child abuse and provides guidelines for handling child abuse cases. Some aspects of the Protocol have been implemented, but the aspects providing for mandatory reporting have not been enforced as the Ministry and related agencies do not yet have the capacity to place large numbers of children who are identified as being at risk, especially boys.
105. GNCRC has also designated the month of April of each year “Child Abuse Awareness and Prevention Month.” During that month, high-profile activities are held throughout the State aimed at highlighting the problem of child abuse and advocating for efforts to combat it. These efforts have been very successful and are considered to be partly responsible for the increase in the number of reported cases of child abuse. However, reports from the field indicate that there is still significant under-reporting of child abuse cases.
106. Additional advocacy efforts to support child protection include:
 - (a) The publication and dissemination of a *Child Abuse Handbook* in 1999 and a revision of the Handbook in 2003. The Handbook provides general information on child abuse as well as guidelines for handling cases that one may come in contact with;
 - (b) Educational sessions at school and community level on child abuse;
 - (c) Media programmes and discussions on child abuse in newspapers, radio and television;
and
 - (d) Airing of radio jingles on “prevention of child abuse” on 4 radio stations.
107. The Department of Social Development has strengthened its programming in the fight against child abuse, including:
 - (a) Operating the “Child Abuse Hotline” 24 hours per day by officers from the Division of Social Services and the Child Welfare Authority;
 - (b) Implementation of a Child Abuse Register.
108. The Ministry however does not have sufficient social workers to respond to the demand being placed on it and the review of its operations referred to in section A above is intended to strengthen its capacity to address such issues.
109. Child protection matters are addressed at the Magistrate’s Court on the court’s assigned family days. Social Inquiry Reports submitted by the social workers in the Ministry of Social Development are now used to inform judicial decisions and alternative sentencing options

are utilized. One such example is the handing down of a suspended sentence in lieu of participation in a special programme for perpetrators run by the Legal Aid and Counselling Clinic. The Ministry of Social Development also does counselling for victims and perpetrators of child abuse and battered women. It must be noted however that the personnel available to the Ministry for performing this role is inadequate for the demands that are placed on it.

110. The disclosing of the identity of the victims of child abuse via the media or other inappropriate mechanisms has been addressed through training for media personnel and there have not been any serious breaches in this regard.

111. The Child Protection Act No. 17 of 1998 established the Child Welfare Authority. A review of the functions of the Authority highlighted the fact that it does not provide for the general responsibility for the care and protection of children who are being abused or at risk of being abused. Moreover, the Child Protection Act does not contain:

- (a) Provisions for interim care and custody of children pending receipt of a protection order, and for long-term care;
- (b) A requirement that agencies work collaboratively with the Child Welfare Authority;
- (c) Legal obligation on the part of principals, teachers, doctors, counsellors, Church ministers, social workers and any other persons to report cases of child abuse or suspected child abuse that come to their attention; and
- (d) Provisions for ensuring that the child's views and preferences are duly considered at all stages of the child protection proceedings.

112. There are no separate national child protection policy pronouncements and one is left to interpret national policy on the basis of the provisions of available legislation.

113. The draft Child Care and Adoption Bill of the OECS Legal Reform Project attempts to address the shortcomings of the Child Protection Act.²⁹

114. There have not been any studies done on domestic violence, ill-treatment and sexual abuse in order to inform policy measures and contribute to changing attitudes.

N. Corporal punishment

Committee concerns and recommendations

115. The fact that corporal punishment is not prohibited within the laws of Grenada and is still widely practised was another concern of the Committee. It recommended that all appropriate

²⁹ Part II Status of Children, Status of Children Bill ,OECS Legal Reform Project February 2007.

measures, including of a legislative nature, must be taken to prohibit corporal punishment. It also recommended that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention.

Action taken

116. The Education Act of 2002³⁰ section 53 (2) discourages the use of corporal punishment in schools and states that it must only be administered by the principal or deputy principal or a teacher specifically designated by the principal for the purpose. It is to be administered using an instrument prescribed by regulations either in the principal's office or other private room in the school and it must be in conformity with any written guidelines issued by the Chief Education Officer. Once corporal punishment has been administered it must be entered in a punishment book which is to be kept in each school for the purpose of indicating the nature and extent of the punishment and the reasons for administering it. Failure to abide by the rules of the Education Act means that the person in question has committed an offence and can be subject to a maximum penalty fine of \$2,000.
117. The Act also provides for the parent or guardian of a pupil at a school to indicate, in writing to the principal of the school, that he or she objects to corporal punishment being administered to that pupil by the school. A person who thereafter knowingly administers corporal punishment contrary to such a written objection commits an offence and can be fined a maximum of \$2,000.³¹
118. The alternative forms of punishment recommended include suspension for minor offences for a maximum of two days³² and suspension for serious offences for a maximum of 10 days³³ for breach of student responsibilities as stated in section 17 of the Education Act.
119. The Standards for Childcare Homes also prohibit the use of corporal punishment in these homes.
120. Corporal punishment however remains an option for sentencing in the judicial system as per the provisions of the Criminal Code, which still allows for imprisonment with strokes.
121. There is also the challenge of changing the perception of the nation with regard to eradicating corporal punishment, since it is in many ways part of Grenada's cultural traditions. In this regard, no significant action has been taken regarding the use of corporal punishment within the family.

O. Right to health and access to health facilities

Committee concerns and recommendations

³⁰ Education Act No. 21 of 2001 of the Laws of Grenada.

³¹ Education Act, section 53 (9).

³² Education Act, section 54.

³³ Education Act, section 55.

122. The Committee was concerned over the limited availability of programmes and services, and the lack of adequate data in the area of adolescent health, the high incidence of teenage pregnancy and the situation of teenage mothers. This was a strong concern since most of the reported cases of infant and maternal mortality were related to teenaged mothers.
123. It was therefore recommended that efforts in promoting adolescent health policies and counselling services, as well as strengthening reproductive health education, including the promotion of male acceptance of the use of contraceptives, be implemented. The Government was also encouraged to develop comprehensive policies and programmes to reduce the incidence of infant and maternal mortality, and to promote proper breastfeeding and weaning practices among teenaged mothers

Action taken

124. There is no clear policy regarding children's use of public health facilities without parental consent. The current policy is that a public health facility will not attend to a child under the age of 16 without parental consent, but many teenagers are able to access private medical services.
125. The major initiatives that are being undertaken in the field of adolescent health are related to programming in response to HIV/AIDS. A national HIV/AIDS directorate has been established and a National Strategic Plan for HIV/AIDS was adopted in 2003. The programming being done includes promotion of male acceptance of the use of contraceptives.
126. A National Policy on HIV/AIDS was adopted on 2 April 2007. It states that information, education and communication (IEC) programmes remain a major weapon against HIV/AIDS. The broad themes of the programme are centred on the promotion of positive and responsible sexual behaviour, the promotion of human rights and the reduction of stigma and discrimination. Also, emphasis was placed on the reduction of HIV/AIDS through mother-to-child transmission and intravenous drug use. Moreover, the policy attempts to enforce the law as it relates to under-age sexual activity, that is, that it is illegal to engage in sexual intercourse with a minor below the age of 16 years.
127. One of the objectives of the National Policy on HIV/AIDS is to improve the access of children and youth to accurate HIV information and confidential sexual and reproductive health services, including counselling and testing measures. Moreover, it is stated that "level-appropriate HIV/AIDS education must be a component in the curricula of all schools".
128. Furthermore, there shall be gender mainstreaming to address the differential impact of HIV/AIDS on boys and girls, to ensure that gender inequalities are addressed in the design, planning, implementation, monitoring and evaluation of programmes.
129. HIV/AIDS prevention and care services are going to be a major component of the national reproductive health services, and it is to be incorporated into primary health care programmes.

130. The recommended study to understand the scope of adolescent health problems, including the special situation of children infected with and vulnerable to HIV/AIDS and sexually transmitted diseases (STDs), has not been done.
131. There have not been any initiatives to develop youth-friendly care, counselling and rehabilitation facilities for adolescents.
132. The Ministry of Health has a Maternal and Child Health (MCH) Programme that works with mothers in the pre- and post-natal stages to facilitate safe and healthy delivery of babies and promote proper weaning practices among all mothers, including teen-age mothers.

P. Children with disabilities

Committee concerns and recommendations

133. The absence of legal protection and the lack of adequate facilities and services for children with disabilities was a major concern. Added to this was the fact that insufficient efforts had been made to facilitate the inclusion of children with disabilities in the education system and generally within society. In addition, the effectiveness of the Early Intervention Programme for Children with Disabilities has been also impeded by a lack of human and financial resources.
134. The Committee recommended the development of early identification programmes to prevent disabilities; increased efforts to implement alternatives to the institutionalization of children with disabilities; and the establishment of special education programmes to further encourage their inclusion in society.

Action taken

135. Formal early identification programming to identify disabilities and developmental delays has not been initiated in Grenada. Post-natal check-ups are the main occasions on which formal efforts are made with regard to the early identification of persons with disabilities.
136. In general, identification is still done on an ad hoc basis, with individuals calling in and reporting cases as these arise. Moreover, there is no primary screening for the identification of persons with any form of disability. The net result is that most disabilities are identified only when they develop into serious problems, even though most impairments develop along a continuum from “mild” to “severe”. A related factor is that many affected parents keep their children at home or enter into a state of denial once a serious impairment or disability is identified. Identification at an early stage will reduce the motivation for such behaviour, as the impairment will not have developed to the stage where such drastic action is contemplated.
137. There are two schools for special education in Grenada, one in St. George’s and the other in Grenville. These schools cater for children with a wide range of disabilities, with a focus on children with learning difficulties. A significant proportion of their students come from children in primary school who develop at a slower rate than their peers. Additional targeted interventions include:

- The School for the Deaf which targets children with hearing and speech impairments and provides a basic education which includes basic academic and vocational training.
 - An Itinerant Teacher programme targeting visually impaired children. This programme functions in 4 secondary and 10 primary schools in the eastern and southern parts of Grenada.
 - Another Itinerant Teacher programme operated by the Ministry of Education was started in September 2001 and targets slow students or students with learning disabilities at the primary school level in grades 3 and 4. It is presently offered in four schools and works with 74 students in these schools. It should be noted here that this Itinerant Teachers programme only targets two grades in eight schools, in a context where it is believed that there are children in need in all of the grades of the majority of the 58 public primary schools in Grenada. The number being provided for is far lower than the needs identified in these grades when the initial screening was done: approximately 25 per cent of the students in the grades screened.
 - The NCH SPICE Project which caters for children with physical disabilities and mental retardation. The curriculum provides for basic academic skills, adaptive life skills and crafts.
138. In addition, the Dorothy Hopkin Centre for the Disabled provides accommodation for children with all types of disabilities
139. The Ministry of Education has instituted a Task Force on Special Education, which was appointed by the Cabinet in November 2002. To date it has developed a reading screening programme, designed forms for data collection and referrals, and organized workshops for teachers on the identification of children with special needs. It has also trained 30 primary school teachers from 15 primary schools in skills for working with slow learners.
140. Other initiatives targeting children which are run by the Grenada National Council for the Disabled (GNCD) include:
- A school books programme which involves the distributing of school books for children with disabilities at different levels of schooling. This has led to a greater number of children with disabilities passing the entrance exam for secondary schools.
 - Training in relevant skills for blind children.
141. The month of May every year has been dedicated as the Month of Awareness for persons with disabilities. During this month awareness-raising campaigns are conducted via the mass media – radio, television and newspapers – along with parades and marches.
142. Additional support for children with disabilities is available through the Children’s Health Organisation for Relief and Educational Services (CHORES). This organization assists with medical difficulties, including mainly physical impairment diagnosis (hearing, speech, cerebral palsy, Down’s syndrome, spina bifida, autism), rehabilitative treatment and provisions of adaptive devices. Children in extreme cases have been taken out of Grenada for medical attention.

143. Advocacy for the rights of persons with disabilities is an ongoing effort and is spearheaded by GNCD. Ongoing attempts are being made to ensure that physical infrastructure (buildings, roadways, etc.) is accessible to persons with disabilities. There is also presently an initiative to formulate and advocate for a National Policy for Persons with Disabilities. This is being done through the Coalition for the Rights of Persons with Disabilities.
144. There are concerts and sensitisation programmes held occasionally, aimed at including children with disabilities in society.
145. There is no specific legislation addressing the rights of persons with disabilities in Grenada with respect to non-discrimination, equal opportunity and respect for human dignity. However, all persons, including persons with disabilities, are protected against discrimination under section 13 of the Grenada Constitution Order 1973. The absence of specific legislation that is applicable to persons with disabilities has left many aspects of law open to interpretation in their application to persons with disabilities. This has not always worked in the best interest of these persons.
146. There is a general lack of available and permanent professional staff. Moreover, the ability to secure funding to further improve efforts made to meet the needs of children with disabilities is limited. The Government is not able to distribute generously to provide for children with disabilities, due to the State's economic position in the aftermath of two hurricanes.
147. Insufficient efforts have been made to sensitize the society to the needs of children with disabilities and getting them involved with incorporating disabled children into society.

Q. Environmental health

Committee concerns and recommendations

148. The Committee noted the continued widespread use of pit latrines, increasing sea pollution, and the inadequate solid waste disposal programme, despite the expansion of the collection areas to approximately 95 per cent of the country.
149. The Committee remained concerned at the poor environmental health conditions and recommended that a greater effort be made to address environmental health concerns, particularly in relation to solid waste management.

Action taken

150. Solid waste collection and disposal is the responsibility of the Grenada Solid Waste Management Authority which was established under the Grenada Solid Waste Management Authority Act (1995). Another act, the Waste Management Act, was passed in 2001 to provide additional guidance to the Authority's waste management activities. However, no regulations have been developed to provide for enforcement of the Act
151. The Authority collects solid waste from 98 per cent of all households in Grenada and all waste collected is compacted and covered at the landfill site. The waste is separated with the metals collected separately and crushed by a metal baler; batteries are collected separately and sold to one individual for \$1 for shipment to a recycling agency abroad; wood is chipped

in a wood chipper; and tyres are collected separately, but a shredder is not yet in operation. Tyres are currently stockpiled at the landfill.

152. The wood chipper, tyre shredder and metal baler were acquired in 2005 and have been effective in enhancing waste disposal operations.
153. The Authority is also engaged in continuous public awareness via the media and in 2006 also held education programmes in schools with students and at parent-teacher meetings with parents.
154. The practice of using pit latrines has continued with a survey conducted in 2005³⁴ finding that 36 per cent of households were using pit latrines.
155. There has also been no change in the pollution of the sea, with all liquid waste being disposed of in the sea, in an untreated state.

R. Rights and aims of education

Committee concerns and recommendations

156. The situation of boys, particularly as regards their generally “low self-esteem” and academic underachievement in comparison to that of girls, and the high incidence of truancy (in particular for boys) were matters of concern to the Committee. Concern was also expressed over the limited access to secondary education, the lack of relevant learning materials within a school system comprised of insufficient numbers of trained and qualified teachers, and the tendency to use teaching methods that are almost exclusively examination oriented. The issue of the increasing incidence of violence among students and the fact that insufficient resources have been allocated to ensure the sustainability of the school nutrition programme, along with the lack of health and counselling services in schools, were also major concerns.
157. The Committee therefore recommended that the State party ensure that students are taught an adequate mix of academic subjects and life skills; that all appropriate measures should be taken to increase access to secondary education; that more emphasis be placed on implementing the necessary measures to ensure that adequate resources are allocated to school nutrition programmes; and that adequate health and counselling services are available in schools. The State party was also encouraged to ensure that the Convention was fully integrated into the curricula at all levels of the education system.

Action taken

158. The Education Act of 1976 Chapter 84 Laws of Grenada was repealed in 2002 and replaced with the Education Act of 2002, Act No. 21 of 2002 of the Laws of Grenada. The latter is an act which makes new provisions for the delivery of education services in Grenada, by both public and the private sectors and for related matters.

³⁴ CWIQ Survey.

159. The Act makes detailed provisions for early childhood education,³⁵ home education³⁶ and special education³⁷ and it indicates the duties and conduct expected of principals, teachers and children within the education system.
160. Section 159 of the Act provides for a national curriculum aimed at promoting the spiritual, moral, cultural, intellectual and physical development of students and preparing students for the opportunities, responsibilities and experiences of adult life.
161. Furthermore, section 175 of the Act provides for the authorizing of Education Officers to inspect any educational institutions, and to give assistance and guidance to the teachers employed at the institution in order to promote the good administration and effectiveness of the institution and to advise the principal of the institution on matters relating to the welfare and development of students.
162. It is an offence for persons to obstruct an authorized person during a visit or inspection or to make false representations or give false information to an authorized person. The penalty for the latter offence is a \$1,000 fine. Moreover, division 2 of the Act provides for the reviewing of the education system every five years or as soon as practicable to report on the education system of Grenada.³⁸
163. In 2005, the Ministry revised its Strategic Plan for Educational Enhancement and Development (SPEED 2), using a process that involved all stakeholders in the education system. One of the objectives of this process was to ensure that the revised development plan was responsive to the needs of all relevant stakeholders and would produce an educational experience which would be relevant to the needs of the Grenadian society.
164. Regarding access to secondary education, full access for all students was implemented in Carriacou and Petite Martinique in 2000 and 2008 is the target date for the nationwide implementation of universal secondary education. To facilitate this, the Ministry is engaged in the implementation of an OECS Educational Development Project that is being funded by the World Bank. This project, inter alia, is engaged in refurbishing and expanding capacity in targeted secondary schools.
165. There was also one new public secondary school built on the island in 2001, with a capacity to accommodate 600 students, and one new private secondary school with a capacity to accommodate 200 students was started in 2005.
166. The school curriculum has been expanded to include a greater cross-section of subjects throughout the secondary schools on the island, including information and technology, technical drawing, art, clothing and textiles, and Spanish and French, among others. At the primary school level, Spanish and French have now been added to the curriculum at that level. However, a lack of resources limits the ability to expand the school curriculum into areas not yet embarked upon.

³⁵ Division 1 of the Education Act No. 21 of 2002: Early Childhood Education.

³⁶ Division 2 of the Education Act No. 21 of 2002: Home Education.

³⁷ Division 3 of the Education Act No. 21 of 2002: Special Education.

³⁸ Section 178 (1) Education Act No. 21 of 2002.

167. Guidance and counselling assistance has been increased. Presently, in every secondary school, with the exception of the two on Carriacou and Petite Martinique, a counsellor is present on the school compound as a member of staff. The number of counsellors has increased from 11 to 26. The majority of counsellors are qualified teachers, with some holding a first degree in a related area, and others a Masters degree.
168. On a general basis, guidance and counselling sessions are scheduled in the school curriculum. Those sessions generally take the form of group activity, with exercises focused around building self-esteem, motivation, decisionmaking, study skills, exam techniques and others. Moreover, 11 out of Grenada's 19 secondary schools have guidance and counselling group sessions conducted on a fortnightly basis. Even if some schools or classes do not have guidance and counselling sessions in the curriculum, these counsellors are members of staff and thus can be easily accessed by the children.
169. At the primary school level, counsellors are available on a district level, viz:
- (a) St. George's has three;
 - (b) St. Andrew's has two;
 - (c) St. Patrick's has two;
 - (d) St. David's one;
 - (e) St. John's and St. Mark's share one; and
 - (f) Carriacou and Petite Martinique have one.
170. The main challenge that arises with regard to guidance and counselling is the inability to have properly trained counsellors due to a lack of resources.
171. A school feeding programme is available in all Government primary schools. The aim of the school feeding programme is to provide one third of the daily food nutritional intake, and particularly a hot midday meal, to all participating children.
172. All 58 primary schools participate in the school feeding programme. Eleven secondary schools are also part of the programme, as well as 15 daycare centres and preschools.
173. The Government is basically responsible for subsidizing the meals that are made available for students, with a subsidy of \$1.10 per child per day. The 2007 budgetary allocation for the programme was \$2.8 million.
174. Children who can afford to purchase the lunch pay \$1.00 per day or 75 cents in some cases. Additionally, those who cannot afford to pay are given these meals free (primary schools). Breakfast is also available at the primary school level for no additional cost.
175. At the secondary schools, a total of 50 students per school participate in the programme, with each child having to contribute \$2 per day. However, in serious cases, the meals are free.

176. Some of the general problems identified deal with refurbishment of some schools' kitchen facilities, such as insufficient equipment such as cookers, refrigerators and freezers, and the management of the programme as envisioned by the Ministry by some schools. There is also a problem storing the food, which in turn creates a sanitation problem. Moreover, there is an occasional shortage of certain foods, particularly skim milk and rice, and the price of fish is too high and needs to be further subsidized.

177. The Ministry of Education plans to merge all six student support service areas under one unit at the start of the new academic year in September 2007, viz:

- Guidance and Counselling
- The School Attendance Programme
- The School Feeding Programme
- Special Education
- Unit coordinating the student associations in secondary schools
- National Parent-Teachers Association

S. Economic exploitation (child labour)

Committee concerns and recommendations

178. There is a lack of information and adequate data on the situation of child labour and economic exploitation.

179. To address this concern, the Committee recommended that the Government introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sector, as well as undertake a comprehensive study to assess the situation of child labour. It is also recommended that Grenada ratify ILO Conventions Nos. 138 (Minimum Age for Admission to Employment) and 182 (Elimination of the Worst Forms of Child Labour).

Action taken

180. A Child Labour Study was conducted in 2003. The result of that study has led to the introduction of School Attendant Officers who are responsible for ensuring that children attend school on a regular basis.

181. Children under the age of 15 are only allowed to work once they have received a licence to do so from the Ministry of Labour.

182. There has been no ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour.

T. Drug abuse

Committee concerns and recommendations

183. The Committee was concerned over the high incidence of alcohol and substance abuse among youth in Grenada and the limited availability of psychological, social and medical programmes and services available with regard to drugs.

184. The Committee recommended that all appropriate measures be taken to protect children from the illicit use of alcohol, narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. The Committee also recommended support for rehabilitation programmes for child victims of alcohol, drug and substance abuse.

Action taken

185. There are laws governing the trafficking of drugs involving minors. They include the Drug Abuse Prevention and Control Act of 1992 and the Liquor Dealers Licence Act Chapter 174 of the Revised Laws of Grenada 1990. The latter is presently under review.

186. The National Drug Avoidance Secretariat leads the national programming against drug abuse. This programming includes sensitization programmes targeting students and young persons and counselling services for child victims of substance abuse.

187. There is presently a National Schools' Policy on Drugs created in 2002 by the Ministry of Education. Some of the measures taken to educate and protect children against drug abuse are through:

- *Formal education* – Drug prevention education is a component of the Health and Family Life Education programme in all primary schools, since it is believed that children should be targeted as early as possible in the fight against drug abuse. Since 1997, over 200 teachers have received training in various aspects of this particular programme.
- *Drug Abuse Resistance Education Programme (DARE)* – The objective of this programme is to provide students with appropriate knowledge and skills to resist drugs and violence. The programme is being taught to students in grades 5 and 6 in 30 primary schools.
- *Operation Safe Summer* – This was commenced in 1998, conducted annually, and its objective includes increasing students' awareness about the dangers of drugs, crime and violence, and to encourage students to resist them. It aims to provide students with information and strategies to deal effectively with these harmful situations which they may encounter during the summer vacation.
- *Media programmes* – This is the major medium for dissemination of information. Many of the programmes are produced, printed and broadcast at reduced, or in some cases no cost to the Government.
- *Training* – The Drug Avoidance Secretariat, in collaboration with various Government institutions and non-governmental organizations, conducts several training programmes on various aspects of drug prevention for persons such as teachers, social workers and health professionals who work with children and young people. These programmes are ongoing.

Skills for Living Project – This programme is aimed at students between 10 and 15 years. It consists of 14 one-hour participatory sessions, on topics such as self-awareness, respect, goal setting, decisionmaking, drug abuse, sexuality and conflict resolution. The programme is facilitated by the Grenada Planned Parenthood Association.

Drug prevention education programmes for primary and secondary schools 2006 (May)

188. The programme arose due to the continued presence of drugs and violence in schools. The main drugs in question are marijuana and alcohol used by students at school- and non-school-based functions and activities. Table 3 provides data on student arrests for drug possession in the period 2001–2006.

Table 3
Student arrests for drug possession

Year	Number of arrests for possession of drugs within 100 yards of school	Number of cases brought to courts for possession of drugs within 100 yards of school
2001	0	0
2002	1	1
2003	0	0
2004	2	2
2005	3	3
2006	2	4
Total	8	10

Source: Drug Avoidance Secretariat, July 2007.

189. The programme consists of three components:

- Drug resistance skills
- Personal self-management skills
- General social skills

190. The target audience in primary schools are grades 6, 7 and 8, and all forms within secondary schools.

191. The programme is to be conducted in the form of video/DVD and Power Point presentations, lectures/discussions, and group and individual activities. It is conducted over a three-week period with one lesson per week.

192. It is a requirement of the programme that the school selects two teachers, preferably one male and one female, to be involved in the programme when it is conducted, in order to develop the capacity of schools to implement similar programmes.

193. There is a confidentiality clause, which states that all drug-related matters which involve students must be dealt with in a confidential manner. Records of students' drug-related offences will be kept securely at the Ministry of Education, under the supervision of the Chief Education Officer, who must give permission to access these records.
194. Moreover, the Ministry of Education expressly forbids the use, sale and distribution of alcohol and alcoholic beverages, tobacco products, hemp, controlled drugs or any mood-altering substances by schools at any school function.
195. A proposal has been submitted to Cabinet for a revision of the Liquor Dealers' Licences, Cap 174, section 39, which permits the selling of liquor to persons under the age of 16 if supplied in a corked or sealed vessel for consumption off the premises. The proposal is for legislative action to be taken to deal with the following situations:
- Consumption of intoxicating liquor by juveniles
 - Sale, delivery and supply of intoxicating liquor to juveniles
 - Sale, delivery and supply of intoxicating liquor at schools premises
 - Purchases of intoxicating liquor by juveniles
 - Advertisement of intoxicating liquor
 - Deletion of section 39 of the Liquor Dealer's Licences, Cap 174
196. Basically, it should be an offence for anyone under the age of 18 to consume alcohol. Likewise, it should be an offence for anyone to sell alcohol to persons under the age of 18 years. Moreover, it should be an offence for persons under the age of 18 years to be sent by another to purchase alcohol. Licensed dealers should post signs in their stores about laws governing the sale, supply or delivery of intoxicating liquor to persons under the age of 18 years. Moreover, between 9 a.m. to 7 p.m., there should be no advertising of intoxicating liquor on radio and television.

U. Administration of juvenile justice

Committee concerns and recommendations

197. The Committee was concerned over the lack of efficient and effective administration of juvenile justice typified by the fact that minors are held in adult detention facilities; the lack of adequate facilities for children in conflict with the law; and the limited numbers of trained personnel available to work with children within the juvenile justice system.
198. The Committee recommended that additional steps be taken to implement a juvenile justice system in conformity with the Convention; that the deprivation of the liberty of a child is to be a measure of last resort and for the shortest possible period of time; that the rights of children deprived of their liberty are to be protected, particularly their right to privacy; that the State party should ensure that children remain in contact with their families while in the juvenile justice system; that the State party prohibit and eradicate the use of corporal punishment (whipping) in the juvenile justice system; and that training programmes on

relevant international standards for all professionals involved with the system of juvenile justice should be introduced.

Action taken

199. The aims of the draft Juvenile Justice Bill under the OECS Legal Reform Project have already been stated (see para. 21 (c) above). The Bill provides for juveniles to be given the opportunity to respond before any decision is taken which affects them; to be treated in a manner that takes into account his or her beliefs; that all consequences arising from the commission of an offence by a juvenile shall be proportionate to the circumstances of the juvenile, the nature of the offence and the interests of society; and that a child shall not be treated more severely than an adult would have been in the same circumstances ,among others things.³⁹
200. Part 10 (X) of the Juvenile Justice Bill indicates the purpose and types of sentencing. The purpose is to encourage juveniles to understand the implications of and to be accountable for the harm caused, to promote the reintegration of the juvenile into the family and community and to ensure that any necessary supervision, guidance, treatment or services which form part of the sentence assist the juvenile in the process of reintegration. The main types of sentences are to be community-based⁴⁰ and restorative justice⁴¹ sentences.
201. The current judicial practice is to refrain from sending children under the age of 16 to prison and to incarcerate children between the ages of 16 and 18 based on the circumstances of the crime and the number of repeat offences that the juvenile has committed. Corporal punishment is still a part of the formal Criminal Code, but is not used frequently.
202. Statistics from the Royal Grenada Police Force indicate that during the period January 2001 to February 2006, at least 123 students between the ages 9 to 20 were arrested and charged for various offences (see tables 4 and 5).

³⁹ Explanatory Note of the Juvenile Justice Bill: OECS Legal Reform Project February 2007.

⁴⁰ Section 61 of the Juvenile Justice Bill: OECS Legal Reform Project February 2007.

⁴¹ Section 62 of the Juvenile Justice Bill: OECS Legal Reform Project February 2007.

Table 4
Offences by children (Jan. 2001 – Feb. 2006)

Type of offence	Number of students
Possession of a controlled drug	23
Possession of an offensive /dangerous weapon	11
Defilement of a female	8
Assault	6
Unlawful entry	5
Rape	2
Arson	1
Damage to property	1
Possession of drug paraphernalia	1
Conspiracy	1
Total	123

Source: Drug Avoidance Secretariat July 2007. (Actual figures for the above are assumed to be higher, since it was stated that some data were unavailable.)

Table 5
Age range and number of students arrested and charged

1 January 2001 – 2 July 2007

Age (years)	Number of students
8	1
9	2
10	1
11	5
12	2
13	4
14	20
15	50
16	47
17	36
18	19
Total	187

Source: Drug Avoidance Secretariat July 2007.

203. A major problem that Grenada still faces is its inability to provide a juvenile justice centre, apart from that available at Her Majesty's Prison. The Juvenile Justice Centre which was almost complete in 2004 was destroyed during the passage of Hurricane Ivan. Acquiring funding to rebuild the centre has proven to be a difficult task, since priority is being given to other more pressing areas of national concern. Funding has now being approved but construction has not restarted.
204. No formal training has been made available for the personnel who are responsible for dealing with juvenile justice.

V. Dissemination of the report

Committee concerns and recommendations

205. The Committee recommended that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

Action taken

206. Following the review of the initial report in January 2000, a committee comprising all affected stakeholders was convened by the Department of Gender Affairs and charged with the responsibility, *inter alia*, of disseminating the report and coordinating the implementation of the recommendations.

207. This committee met on a few occasions but ceased functioning after a short time. As a result, there has not been widespread dissemination of the written report and replies by the State party, nor the publication of the report as recommended by the Committee.

BIBLIOGRAPHY

- Committee on the Rights of the Child. (2000) Summary record of the 607th meeting (twenty-third session) held on 24 January 2000 (CRC/C/SR.607).
- Committee on the Rights of the Child. (2000) Concluding observations of the Committee on the Rights of the Child on the initial report of Grenada, adopted on 24 January 2000 (CRC/C/15/Add.121).
- Committee on the Rights of the Child. (1996) General guidelines for periodic reports: 20/11/96. CRC/C/58. (Basic Reference Document).
- Government of Grenada. (2007) Budget Speech 2007.
- Government of Grenada. (2007) Estimates of Revenue and Expenditure, 2007.
- Government of Grenada. (2006) Estimates of Revenue and Expenditure, 2006.
- Government of Grenada. (2005) Estimates of Revenue and Expenditure, 2005.
- Government of Grenada. (2004) Estimates of Revenue and Expenditure, 2004.
- Government of Grenada. (2003) Estimates of Revenue and Expenditure, 2003.
- Government of Grenada. (2002) Estimates of Revenue and Expenditure, 2002.
- Government of Grenada. (2001) Estimates of Revenue and Expenditure, 2001.
- Government of Grenada. (2000) Estimates of Revenue and Expenditure, 2000.
- Government of Grenada. (1998) Child Protection, Act No. 17 of 1998.
- Government of Grenada. (1958) Criminal Code of the Revised Laws of Grenada 1958.
- Government of Grenada. (2001) Domestic Violence, Act No. 15 of 2001.
- Government of Grenada. (2007) Draft Ombudsman Act 2007.
- Government of Grenada. (1992) Drug Abuse Prevention and Control Act of 1992.
- Government of Grenada. (2002) Education Act of 2002.
- Government of Grenada. (1973) Grenada Constitution Order 1973 Part 1.
- Government of Grenada. (1995) Grenada Solid Waste Management Authority Act (1995).
- Government of Grenada. (1995) Initial report on the implementation of the Convention on the Rights of the Child in Grenada (CRC/C/15/Add.121).
- Government of Grenada. Liquor Dealers License Act Chapter 174 of the Revised laws of Grenada 1990.
- Government of Grenada. (2007) National Policy on HIV/AIDS.
- Government of Grenada. (2000) Responses to Questions on the Initial Report on the Implementation of the Convention on the Rights of the Child in Grenada.

- Government of Grenada. The Evidence Act CAP 92 of the 1990 Laws of Grenada.
- Government of Grenada. (1973) The Grenada Constitution Order, 1973.
- Government of Grenada. (2001) Waste Management Act.
- Grenada National Coalition on the Rights of the Child. Child Abuse Protocol.
- International Monetary Fund. (2007). IMF World Economic Outlook Database, April 2007.
- Ministry of Education. (2007) Strategic Plan for Educational Enhancement and Development (SPEED 2).
- Ministry of Finance. (April 2006) Update on the Grenadian Economy.
- Organisation of Eastern Caribbean States. (2007) Draft Child Care and Adoption Bill.
- Organisation of Eastern Caribbean States. (2007) Draft Domestic Violence Bill.
- Organisation of Eastern Caribbean States. (2007) Domestic Violence Bill Explanatory Note. OECS Legal Reform Project 2007.
- Organisation of Eastern Caribbean States. (2007) Draft Juvenile Justice Bill.
- Organisation of Eastern Caribbean States. (2007) Juvenile Justice Bill Explanatory Note. OECS Legal Reform Project 2007.
- Organisation of Eastern Caribbean States. (2007) OECS Family Law and Domestic Violence Legal and Judicial Reform Project February 2007.
- Organisation of Eastern Caribbean States (2004). Grenada: Macro-economic Assessment of the Damages Caused by Hurricane Ivan, 7 September 2004.
- Organisation of Eastern Caribbean States. (2007) Draft Status of Children Bill.
- Holdip, Malcolm. (2000) Rights of the Child Legislative Review.
- Child Welfare Authority. Code of Standards for the operations of Child Care homes.
- Sealey – Browne, Pretona. (2007) OECS Family Law and Domestic Violence Legal and Judicial Reform Project Draft Model. OECS. 2007.
- UNICEF, Caribbean Area Office. (2000) Survey on the Rights of the Child. Systems Caribbean Limited, 2000.

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